

Simeon M. Herskovits, Nevada Bar No. 11155
Iris Thornton, *pro hac vice*
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
Email: iris@communityandenvironment.net

T. Jaren Stanton, Nevada Bar No. 15362
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: jstanton@mineralcountynv.org

Attorneys for Mineral County, Nevada

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)

WALKER RIVER PAIUTE TRIBE,)
)
Plaintiff-Intervenor,)

vs.)

WALKER RIVER IRRIGATION DISTRICT,)
)
a corporation, et al.,)
)
Defendants.)

MINERAL COUNTY,)
)
Plaintiff-Intervenor,)
vs.)

WALKER RIVER IRRIGATION DISTRICT,)
)
a corporation, et al.,)
)
Defendants.)

IN EQUITY NO. C-125-MMD
Subproceeding: 3:73-CV-00128-MMD-CSD

**UNOPPOSED MOTION TO DISMISS
WALKER RIVER LAND
CORPORATION AS A DEFENDANT
AND TO SUBSTITUTE SUCCESSORS-
IN-INTEREST**

**Unopposed Motion to Dismiss Walker River Land Corporation as a Defendant and to Substitute
Successors-In-Interest**

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COMES NOW, Plaintiff-Intervenor Mineral County, Nevada, by and through its attorneys, Simeon Herskovits and Iris Thornton of Advocates for Community and Environment, and T. Jaren Stanton, Mineral County District Attorney, and hereby submits this *Motion to Dismiss Walker River Land Corporation as a Defendant and to Substitute Successors-in-Interest*. This motion follows and is filed in response to the *Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer* filed by Walker River Land Corporation (“WRLC”) on February 14, 2017. ECF 880. WRLC was personally served by Mineral County as an appropriative water rights owner on June 8, 1999. The Court ratified that service on June 18, 2002. ECF 414. Because WRLC previously was served via Rule 4 service, the proper filing for it to have made would have been a motion for substitution, with the burden on the defendant to make such a filing. *See* ECF 542, at 4 (Sept. 6, 2011); *see also* ECF 592. While the burden is not on Mineral County to move for substitution, in the interest of efficiency, to facilitate the preparation of a current caption by Mineral County, and for this filing only, Mineral County is requesting that the Court dismiss WRLC and substitute its successors-in-interest.

Based on the representations made and documentation included in WRLC’s February 14, 2017, filing, it appears that it would be appropriate for the Court to dismiss WRLC as a Defendant from this subproceeding, 3:73-cv-0128, and to add its successors-in-interest as Defendants.¹ According to the filing made by WRLC, successors-in-interest are as follows:

¹ While Mineral County believes that the information contained in the filing made by WRLC supports dismissal, pursuant to the Court’s *Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served*, WRLC “is ultimately responsible for the accuracy of [its] filing ... [and] any defendant who files such a motion, but, in fact, retains the

1 E.L.W. Ranches, Inc.
2 16S West Liberty Street
3 Reno, NV 89501

4 Lantana Ranch Family Limited Partnership
5 140 Geary Street, 10th Floor
6 San Francisco, CA 94108

7 Calvest Associates
8 129S 67th Street
9 Emeryville, CA 94608

10 Lisa Schirmeister and Joseph W. Johnson
11 16S 18 Windsor Avenue
12 Wittier, CA 90603

13 John M. Stitt and Julia T. Stitt
14 S80 W. Central Avenue, Suite C
15 Brea, CA 92821

16 George L'Abbe
17 P.O. Box 2010S
18 Carson City, NV 89721

19 Mark S. Mahan
20 P.O., Box 278
21 Colleyville, TX 76034

22 E.L.W. Ranches, Inc. already is in the caption as a Defendant.

23 Because Mineral County served WRLC prior to the transfer of its rights to its successors-
24 in-interest, ECF 414, no further action by the Court or Mineral County is necessary as Rule 4
25 service on WRLC is sufficient to bind its successors-in-interest. ECF 542; ECF 592, at 12-15.
26 Mineral County therefore respectfully requests that the Court dismiss WRLC as a Defendant
27 from this subproceeding and add its successors-in-interest, Lantana Ranch Family Limited

28 water rights addressed in this motion, shall nevertheless be bound by the results of this
litigation.” ECF 542, at 14.

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Partnership, Calvest Associates, Lisa Schirmeister, Joseph W. Johnson, John M. Stitt, Julia T. Stitt, George L'Abbe, and Mark S. Mahan as Defendants in this subproceeding. E.L.W. Ranches, Inc., also a successor-in-interest, already is in the caption.

Mineral County has conferred with the Principal Defendants who have indicated that they do not oppose this Motion. Mineral County is serving this Motion on WRLC and the successors-in-interest listed above. If any of the successors-in-interest no longer own the subject property, the burden is on those successors-in-interest to move for substitution of the current owner(s) of the property. *See* ECF 542; ECF 592, at 12-15. For the convenience of those successors-in-interest, Mineral County hereby notifies them that all filings in this subproceeding are available on the Court's website at <https://www.nvd.uscourts.gov/> under the "Case Information" tab (Mineral County Case).

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CONCLUSION

Mineral County respectfully requests that the Court dismiss Walker River Land Corporation as a Defendant from this subproceeding and add its successors-in-interest to the caption, as requested above.

Respectfully submitted this 6th day of April, 2022,

/s/ Iris Thornton
Simeon M. Herskovits, Nevada Bar No. 11155
Iris Thornton, *pro hac vice*
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
Email: iris@communityandenvironment.net

/s/ T. Jaren Stanton
T. Jaren Stanton, Nevada Bar No. 15362
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: jstanton@mineralcountynv.org

Attorneys for Mineral County, Nevada

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2022, I electronically filed the foregoing **UNOPPOSED MOTION TO DISMISS WALKER RIVER LAND CORPORATION AS A DEFENDANT AND TO SUBSTITUTE SUCCESSORS-IN-INTEREST** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case.

Additionally, I hereby certify that on this 6th day of April, 2022, I caused to be served, via United States Postal Service First Class Mail, the foregoing **UNOPPOSED MOTION TO DISMISS WALKER RIVER LAND CORPORATION AS A DEFENDANT AND TO SUBSTITUTE SUCCESSORS-IN-INTEREST** on the following:

Walker River Land Corporation
665 Simonds Road
Williamstown, MA 01267

E.L.W. Ranches, Inc.
16S West Liberty Street
Reno, NV 89501

Lantana Ranch Family Limited Partnership
140 Geary Street, 10th Floor
San Francisco, CA 94108

Calvest Associates
129S 67th Street
Emeryville, CA 94608

Lisa Schirmeister and Joseph W. Johnson
16S 18 Windsor Avenue
Wittier, CA 90603

John M. Stitt and Julia T. Stitt
S80 W. Central Avenue, Suite C
Brea, CA 92821

1 George L'Abbe
2 P.O. Box 2010S
3 Carson City, NV 89721

4 Mark S. Mahan
5 P.O., Box 278
6 Colleyville, TX 76034

7 Additionally, I hereby certify that on this 6th day of April, 2022, I caused to be served,
8 via United States Postal Service First Class Mail, a complete copy of the foregoing

9 **UNOPPOSED MOTION TO DISMISS WALKER RIVER LAND CORPORATION AS A**
10 **DEFENDANT AND TO SUBSTITUTE SUCCESSORS-IN-INTEREST**, on the following
11 Defendant who has been granted mailed service by the Court:

12 Joe and David Sceirine Ranches
13 P.O. Box 1013
14 Yerington, NV 89447

15 /s/Iris Thornton
16 Iris Thornton
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